

Introduced by Senator Hill
(Coauthor: Assembly Member Mullin)

February 21, 2014

An act to amend Section 120130 of the Health and Safety Code, relating to disease.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as introduced, Hill. Reporting of antibiotic resistant disease.

Existing law requires the State Department of Public Health to establish a list of reportable communicable and noncommunicable diseases and conditions, including, but not limited to, diphtheria, listeria, salmonella, shigella, and streptococcal infection in food handlers or dairy workers, and typhoid. Existing law requires local health officers to report to the department any disease or condition on the list as specified by the department. Violation of these provisions is a crime.

This bill would require the list created by the department to include antibiotic resistant infections and would require the department to consider adding antibiotic resistant infections listed in a prescribed federal Centers for Disease Control and Prevention (CDCR) report. The bill would require the department, in updating the list, to consider adding resistant infections listed in updates to the CDCR report. The bill would authorize the department to share the information gathered on antibiotic resistant infection with the federal CDCR. By adding to the list of diseases for which nonreporting is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 120130 of the Health and Safety Code
2 is amended to read:

3 120130. (a) The department shall establish a list of reportable
4 diseases and conditions. For each reportable disease and condition,
5 the department shall specify the timeliness requirements related
6 to the reporting of each disease and condition, and the mechanisms
7 required for, and the content to be included in, reports made
8 pursuant to this section. The list of reportable diseases and
9 conditions may include both communicable and noncommunicable
10 diseases. The list may include those diseases that are either known
11 to be, or suspected of being, transmitted by milk or milk-based
12 products. ~~The~~ *The list shall include antibiotic resistant infections.*
13 *The department shall consider adding all urgent, serious, and*
14 *concerning resistant infections listed in the federal Centers for*
15 *Disease Control and Prevention (CDCR) report entitled "Antibiotic*
16 *Resistance Threats in the United States, 2013."*

17 (b) (1) The list may be modified at any time by the department,
18 after consultation with the California Conference of Local Health
19 Officers. ~~Modification~~ *When modifying the list, the department*
20 *shall consider any updates that have been made to the federal*
21 *CDCR report identified in subdivision (a).*

22 (2) *Modification* of the list shall be exempt from the
23 administrative regulation and rulemaking requirements of Chapter
24 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
25 Title 2 of the Government Code, and shall be implemented without
26 being adopted as a regulation, except that the revised list shall be
27 filed with the Secretary of State and printed in the California Code
28 of Regulations as required pursuant to subdivision (e). Those
29 diseases listed as reportable shall be properly reported as required
30 to the department by the health officer.

31 ~~(b)~~

32 (c) The department shall establish a list of communicable
33 diseases and conditions for which clinical laboratories shall submit

1 a culture or a specimen to the local public health laboratory. The
2 list shall set forth the conditions under which the culture and
3 specimen shall also be submitted to the State Public Health
4 Laboratory. The list may be modified at any time by the
5 department, in consultation with appropriate local public health
6 stakeholders, including, but not limited to, local health officers
7 and public health laboratory directors. Both establishment and
8 modification of the list shall be exempt from the administrative
9 regulation and rulemaking requirements of Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code, and shall be implemented without
12 being adopted as a regulation, except that the initial list and any
13 modifications shall be filed with the Secretary of State and printed
14 in the California Code of Regulations as required pursuant to
15 subdivision-~~(e)~~ (f).

16 ~~(e)~~

17 (d) The department may from time to time adopt and enforce
18 regulations requiring strict or modified isolation, or quarantine,
19 for any of the contagious, infectious, or communicable diseases,
20 if in the opinion of the department the action is necessary for the
21 protection of the public health.

22 ~~(d)~~

23 (e) The health officer may require strict or modified isolation,
24 or quarantine, for any case of contagious, infectious, or
25 communicable disease, when this action is necessary for the
26 protection of the public health.

27 ~~(e)~~

28 (f) The lists established pursuant to subdivisions (a) and (b) and
29 any subsequent modifications shall be published in Title 17 of the
30 California Code of Regulations.

31 ~~(f)~~

32 (g) Notwithstanding any other provision of law, no civil or
33 criminal penalty, fine, sanction, or finding, or denial, suspension,
34 or revocation of licensure for any person or facility may be imposed
35 based upon a failure to provide the notification of a reportable
36 disease or condition or to provide the submission of a culture or
37 specimen that is required under this section, unless the name of
38 the disease or condition that is required to be reported, or for which
39 a culture or specimen is required to be submitted, was printed in
40 the California Code of Regulations and the department notified

1 the person or facility of the disease or condition at least six months
2 prior to the date of the claimed failure to report or submit.

3 ~~(g)~~

4 (h) Commencing July 1, 2009, or within one year of the
5 establishment of a state electronic laboratory reporting system,
6 whichever is later, a report generated pursuant to this section, or
7 Section 121022, by a laboratory shall be submitted electronically
8 in a manner specified by the department. The department shall
9 allow laboratories that receive incomplete patient information to
10 report the name of the provider who submitted the request to the
11 local health officer.

12 ~~(h)~~

13 (i) The department may, through its Internet Web site and via
14 electronic mail, advise out-of-state laboratories that are known to
15 the department to test specimens from California residents of the
16 new reporting requirements.

17 (j) *To the extent allowed by law, the department may share the*
18 *information gathered on antibiotic resistant infection with the*
19 *federal CDCR.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.